

Response Under 37 C.F.R. §1.116 - Expedited Examining Procedure

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Serial No.: 09/835,725

Confirmation No.: 7044

Filed: April 16, 2001

For: **PERFORATED FILM CONSTRUCTIONS FOR BACKLIT SIGNS****Remarks**

The Office Action of 29 July 2003 has been received and reviewed. With no claims having been amended, added, or canceled, the pending claims remain claims 1-28. Pursuant to 37 C.F.R. §1.121(c), no claim listing is provided as no claim amendments have been made. Reconsideration and withdrawal of the rejections are respectfully requested at least in view of the remarks presented below.

The 35 U.S.C. §103 Rejections**Claims 1-7, 9-16, 19-25, and 28**

Claims 1-7, 9-16, 19-25, and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Andriash (U.S. Patent No. 5,939,168) in view of Ross (U.S. Patent No. 5,830,529), Detiker (U.S. Patent No. 3,694,945), or Whitehead et al. (U.S. Patent No. 6,079,844).

Applicants believe the remarks presented in the previous Response are sufficient to overcome this rejection. For example, Applicants still submit that placing a reflective layer in the construction of Andriash as suggested by the Office Action would adversely affect the ability of Andriash to function, e.g., the reflective adhesive would be between the two image layers. Nonetheless, the following additional comments are now provided in an effort to move this case forward.

A basic tenet of *prima facie* obviousness is that the prior art documents, when combined, must teach or suggest all the claim limitations. The Office Action asserts that Andriash describes all the elements of the rejected independent claims except for, apparently, the claimed reflecting aspect of normal incident light directed at the land area of the back surface, which the Office Action asserts is described by any one of Ross, Detiker, or Whitehead et al. Applicants assert, however, that the Office Action has not identified each and every recitation of the rejected claims as required for *prima facie* obviousness.

For example, the Office Action has not identified, within any of the cited documents, that at least about 50% of normal incident light directed at the land area of the back surface of the construction is reflected, a recitation found in each of independent claims 1, 10, 11, and 20.

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Without identifying this element within the cited references, *prima facie* obviousness is unsupported.

Moreover, Applicants request that each claim be examined based upon its own limitations. For example, independent claims 11 and 20 each recite a sign face capable of having one appearance under light ambient lighting conditions, and another appearance when backlit and under dark ambient lighting conditions. The sign face has a substrate and a film construction attached to a first surface of the substrate. The film construction includes a plurality of perforations distributed over the construction, wherein each perforation has a uniform cross-sectional area throughout the thickness of the construction.

No such teaching is identified in Andriash. Rather, "[i]n order to provide a second image observable from the retroreflective side of the sheet material and different from the front image, a non-perforated, light-permeable material is provided on the back side of the opaque vinyl sheet containing the retroreflective material. Particularly, the light-permeable material may comprise a translucent substrate 46." Column 6, lines 36-42, emphasis added. As the Andriash film construction requires the non-perforated material to provide the second image, it cannot have a plurality of perforations distributed over the construction, wherein each perforation has a uniform cross-sectional area throughout the thickness of the construction as recited by claims 11 and 20.

For these and other reasons, Applicants submit that the Office Action fails to establish a *prima facie* case of obviousness with respect to independent claims 1, 10, 11, and 20. Applicants further submit that dependent claims 2-7, 9, 12-16, 19, 21-25 and 28 are also nonobvious not only in view of their dependence, but also because of the particular subject matter recited therein. Reconsideration and withdrawal of the rejection are, therefore, respectfully requested.

Claims 8, 17-18, and 26-27

Claims 8, 17-18, and 26-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Andriash as modified above, and further in view of Logan et al. (U.S. Patent 5,954,423). Applicants traverse for at least the following reasons.

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Claims 8, 17-18, and 26-27 each dependent from one of independent claims 1, 11, and 20 and thus include all the elements of their respective base claim. For the reasons discussed above, Andriash in view of Ross, Detiker, or Whitehead et al. fails to render these claims obvious, e.g., fails to teach the claimed reflective properties and/or perforated film construction. There is nothing identified within the teachings of Logan et al. that remedies these deficiencies. As a result, reconsideration and withdrawal of the rejection are respectfully requested.

Summary

It is submitted that pending claims 1-28 are in condition for allowance and notification to that effect is requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted for
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CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Assistant Commissioner for Patents, Mail Stop AF, P.O. Box 1450, Alexandria, VA 22313-1450, on this 29th day of October, 2003, at 1:57 p.m. (Central Time).

By: Rachel Gagliardi-Carly

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